

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

BRENDA J. JONES,)	
)	
Plaintiff,)	
)	
v.)	CA No. 3:09cv81(JRS)
)	
TARGET STORE, INC.,)	
)	
Defendant.)	

Plaintiff's Motion for Leave to File Amended Complaint

Plaintiff Brenda J. Jones ("Jones"), by counsel, and pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, moves this Court for leave to file the Amended Complaint that is attached to this motion.

In support of this motion, Jones states as follows:

1. The original complaint filed in the Circuit Court of the City of Richmond was filed to preserve possible causes of action within possibly applicable statutes of limitation;

2. The original complaint contains factual errors now known to Jones as factual errors.

3. The original complaint has a misnomer with regard to the proper corporate name of Target Corporation, which the Amended Complaint corrects.

4. The original complaint names as a defendant a person (Susan Haynes) who is not a proper defendant and also names a "Ms. Smith," a "John Doe" defendant about whom Jones has obtained

no information and whom Jones desires to dismiss.

5. Instead of naming incorrect or unknown defendants, the Amended Complaint names Gregory Anderson, who was the loss prevention employee of Target that had interaction with the police officers who charged Jones with four criminal offenses.

6. The original complaint contained four causes of action; the Amended Complaint sets forth only one cause of action against Target and Anderson: malicious prosecution.

7. In its motion to dismiss filed with this Court, Target moved to dismiss the three causes of action other than the cause of action for malicious prosecution; the Amended Complaint effectively dismisses the three causes of action that are the subject of the pending motion to dismiss.

8. Jones submits that this Court should grant her motion for leave to file her Amended Complaint in the interests of justice.

Defendant's Position With Regard to This Motion

Counsel for Target has advised counsel for Plaintiff that Target does not object to the amendment as to Target, but that Target does object to the addition of Anderson as a party defendant.

Wherefore, Jones asks that this Court grant leave for the filing of her Amended Complaint and order the filing of her

Amended Complaint, which is being submitted to this Court with this motion.

Jones also requests such other and further relief as is proper.

Dated this 17th day of March, 2009.

Respectfully submitted,

BRENDA J. JONES, By Counsel.

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Certificate of Service

I certify that on this 17th day of March, 2009, I will electronically file this Motion for Leave to File Amended Complaint with the Clerk of this Court using the CM/ECF system, which will then send a notification of such filing (NEF) to:

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